

NEBRASKA DEPARTMENT OF EDUCATION

Office of Special Education State Complaint Form



MAIL TO:

Amy Rhone, Complaint Investigator
Nebraska Department of Education
Office of Special Education
301 Centennial Mall South, PO Box 94987
Lincoln, NE 68509-4987

ELECTRONIC SUBMISSION:

amy.rhone@nebraska.gov

When submitting by email, please sign form and include as an attachment.

Name of Person Filing Complaint _____

Address _____ City _____ State _____ Zip Code _____

Home Phone _____ Cell Phone _____ Work Phone _____

School District _____ School Building _____

Name of Student _____

Signature of Complainant _____ Date of Complaint _____

This is a detailed explanation of the specific factors relating to the alleged violation(s) and any documentation I feel would help clarify my complaint issues. I will attach additional sheets, if needed. I have completed the attached checklist to assure the complaint includes all necessary information/ documentation. I understand that checklist Part B is for children ages 3-21 and checklist Part C is for infants and toddlers (under 3 years of age).

State Complaint Procedures Checklist – Part B

Complete this form if the child is between the ages of 3-21

To be used when filing a complaint regarding issues arising out of the provision of a Free Appropriate Public Education (FAPE) under Part B of the Individuals with Disabilities Education Act (IDEA) federal law.

- _____ A statement that the school district, approved cooperative or other public agency* has violated an applicable requirement of the federal IDEA Part B statute and regulations or the state administrative regulations (92 NAC 51);
- _____ The facts on which the statement is based;
- _____ The signature and contact information for the complainant; and

If alleging violations with respect to a specific child

- _____ The name and address of the residence of the child;
- _____ The name of the school the child is attending;
- _____ In the case of a homeless child or youth within the meaning of section 725 (2C) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434 a (2)), available contact information for the child, and the name of the school the child is attending;
- _____ A description of the nature of the problem of the child, including facts relating to the problem; and
- _____ A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
- _____ The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
- _____ The party filing the complaint must forward a copy of the complaint to the school district, approved cooperative or other public agency serving the child at the same time the party files the complaint with the Nebraska Department of Education Office of Special Education.

*Public agency includes the state education agency, local education agencies, educational service agencies, and any other political subdivisions of the state that are responsible for providing education to children with disabilities.

State Complaint Procedures Checklist – Part C

Complete this form if the child is under 3 years of age

To be used when filing a complaint regarding issues arising out of the provision of Early Intervention Services (EIS) under Part C of the Individuals with Disabilities Education Act.

- _____ A statement that the lead agency, public agency*, or EIS provider has violated a requirement of the Federal IDEA Part C statutes or regulations or the state administrative regulations for Part C;
- _____ The facts on which the statement is based;
- _____ The signature and contact information for the complainant; and

If alleging violations with respect to a specific child

- _____ The name and address of the residence of the child;
The name of the EIS provider serving the child;
- _____ A description of the nature of the problem of the child, including facts relating to the problem; and
- _____ A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
- _____ The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
- _____ The party filing the complaint must forward a copy of the complaint to the public agency or EIS provider serving the child at the same time the party files the complaint with the Nebraska Department of Education, Office of Special Education.

*Public agency includes the state education agency, local education agencies, educational service agencies, and any other political subdivisions of the state that are responsible for providing education to children with disabilities.

For more information about the special education process, contact your child's special education teacher, a PTI Nebraska parent/professional at (800) 284-8520 and pti-nebraska.org, or the Nebraska Department of Education at (402) 471-2471 and education.ne.gov/sped/.

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. See <https://sites.ed.gov/idea/> for more information on IDEA.

Rule 51 is the document that outlines regulations and standards for special education programs in Nebraska. Rule 51 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51_2017.pdf.

Rule 55 is the document that outlines rules of practice and procedure for due process hearing in special education contest cases. Rule 55 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule55_2012.pdf